

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

TEXAS HEALTH AND HUMAN SERVICES)
COMMISSION,)

Plaintiff,)

v.)

UNITED STATES OF AMERICA, *et al.*,)

Defendants.)

Civil Action No. 3:15-cv-3851 (DCG)

**DEFENDANTS' MOTION
FOR A ONE-WEEK EXTENSION OF TIME**

Defendants United States of America, the U.S. Department of State, John Kerry, Secretary of State, the U.S. Department of Health and Human Services ("HHS"), Sylvia Burwell, Secretary of HHS, the HHS Office of Refugee Resettlement ("ORR"), and Robert Carey, Director of ORR (collectively, the "Federal Defendants") hereby seek a one-week extension of time, until January 5, 2016, to file their opposition to Plaintiff Texas Health and Human Services Commission's Amended Application for Preliminary Injunction. Defendant International Rescue Committee, Inc. ("IRC") joins in this request and seeks a like extension of the deadline to file its opposition to Plaintiff's application. Counsel for Plaintiff Commission have not advised Defendants whether Plaintiff consents or objects to the extension sought herein. For the reasons stated below, Defendants' request for an extension of time should be granted.

1. Plaintiff filed its Amended Application for Preliminary Injunction on December 8, 2015. ECF Dkt. No. 17. Pursuant to Local Civil Rule 7.1(e), the Defendants' oppositions to Plaintiff's application are due to be filed on Tuesday, December 29, 2015.

2. The Federal Defendants and their counsel attempted diligently to complete their opposition to Plaintiff's application within the prescribed time. However, a number of personnel whose assistance is still required in order to complete the Federal Defendants' opposition papers are now out of the office for the year-end holidays.

3. The Federal Defendants therefore seek a one-week extension of the deadline until Tuesday, January 5, 2016, shortly after the holiday season has passed, to complete their opposition to Plaintiff's application.

4. Defendant IRC also requests an extension until January 5, 2016, to file its opposition to Plaintiff's application, due to holiday staffing issues.

5. The deadline to file Defendants' oppositions to Plaintiff's application for a preliminary injunction has not been extended previously. Granting the brief extension requested herein will not unduly delay these proceedings, or unduly prejudice any party. That is especially so in light of the Court's instruction to the Federal Defendants to provide Plaintiff with at least one week's notice of any scheduled arrivals of additional Syrian refugees in Texas while Plaintiff's application is pending.

For the reasons stated above, Defendants' request for a one-week extension of time, until January 5, 2016, to file their oppositions to Plaintiff's Amended Application for Preliminary Injunction, should be granted.

Dated: December 24, 2015

Respectfully submitted,

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/s/ Stuart J. Robinson

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CERTIFICATE OF CONFERENCE

On December 23, 2015, counsel for Defendants conferred with Plaintiff's counsel regarding this motion by exchange of e-mail correspondence. Plaintiff's counsel did not provide a statement regarding Plaintiff's position on this motion. Rather, Plaintiff's counsel asked whether the Federal Defendants "can agree to maintain the status quo and represent that no resettlements of refugees from Syria are intended or planned through Jan. 26, 2016." However, this Court has already addressed the concern that apparently underlies Plaintiff's request; as instructed by the Court, the Federal Defendants will provide Plaintiff with seven days' notice of any planned arrival of additional Syrian refugees in Texas while the preliminary injunction application is pending.¹

During this conference, James J. Gilligan represented the Federal Defendants, Cecillia D. Wang represented Defendant International Rescue Committee, Inc., and Austin R. Nimocks represented Plaintiff.

/s/ Stuart J. Robinson

STUART J. ROBINSON

Attorney for the Federal Defendants

¹ Undersigned counsel note that this morning they learned that three Syrian refugees are scheduled to be resettled in Texas on January 25, 2016. The three refugees are a 42-year-old mother and her two sons, ages 13 and 11.

CERTIFICATE OF SERVICE

I certify that on December 24, 2015, I caused to be filed electronically the foregoing motion with the Clerk of Court using the Court's CM/ECF system, which sends a Notice of Electronic Filing to counsel of record.

/s/ Stuart J. Robinson
STUART J. ROBINSON

Attorney for the Federal Defendants